

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

HENRY LEE SANDERS,
TDCJ #666939,

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Petitioner,

V.

CIVIL ACTION NO. H-09-0132

NATHANIEL QUARTERMAN, Director,
Texas Department of Criminal Justice,
Correctional Institutions Division,

Respondent.

ORDER

On January 22, 2009, this Court dismissed the federal petition for a writ of habeas corpus filed by state inmate Henry Lee Sanders as successive, after finding that Sanders had filed at least four other habeas petitions in this district previously to challenge the same felony conviction. Sanders has filed a motion for reconsideration, which the Court construes as governed by Rule 59(e) of the Federal Rules of Civil Procedure. (Docket No. 7). The petitioner's motion is **denied** for reasons that follow.

A Rule 59(e) motion “must ‘clearly establish either a manifest error of law or fact or must present newly discovered evidence.’” *Ross v. Marshall*, 426 F.3d 745, 763 (5th Cir. 2005) (quoting *Simon v. United States*, 891 F.2d 1154, 1159 (5th Cir. 1990)). The petitioner’s motion falls far short of meeting this burden. In that respect, the petitioner does not dispute that he has filed as many as four prior habeas petitions and that he has not obtained the requisite authorization to proceed with a fifth petition as required by 28

U.S.C. § 2244(b). Thus, the petitioner fails to show that he is entitled to relief under Rule 59(e).

Accordingly, it is **ORDERED** that the petitioner's motion for reconsideration (Docket No. 7) is **DENIED**. To the extent that one is needed, no certificate of appealability will issue from this decision.

The Clerk will provide copies of this order to the parties.

SIGNED and ENTERED this 9th day of February, 2009.



Kenneth M. Hoyt
United States District Judge